

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201806687	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/14/2018 5:20 PM	Location of Incident: In front of 1933 Union Street	Precinct: 77	18 Mo. SOL 2/14/2020	EO SOL 2/14/2020	
Date/Time CV Reported Wed, 08/15/2018 9:58 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/15/2018 9:58 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Yefet Sharabi	18243	959227	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tomas Campuzano	21584	959530	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yefet Sharabi	Off. Language: Police Officer Yefet Sharabi made remarks to § 87(2)(b) based upon race.	

Case Summary

On August 15, 2018, § 87(2)(b) filed this complaint with the CCRB by phone.

On August 14, 2018, at approximately 5:20 p.m., § 87(2)(b) had stopped his box truck in front of 1933 Union Street in Brooklyn to deliver furniture to the building and was blocking traffic. PO Yefet Sharabi, of the 77th Precinct, asked § 87(2)(b) Sharabi to move his box truck so that he could clear the road for emergency vehicles because of a report of a sick child inside of 1933 Union Street. When § 87(2)(b) did not immediately move his box truck, PO Sharabi allegedly called § 87(2)(b) “Nigger.” (**Allegation A: Offensive Language – Race**, § 87(2)(g) § 87(2)(b) was issued summonses § 87(2)(b) (**BR 01**) and § 87(2)(b) (**BR 02**) for failure to yield right-of-way to an emergency vehicle and for failure to provide documentation.

There was no video of this incident.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Yefet Sharabi made remarks to § 87(2)(b) based upon race.

It is undisputed that on August 14, 2018, at approximately 5:23 p.m., § 87(2)(b) who was driving a large box truck, was attempting to make a furniture delivery to 1933 Union Street in Brooklyn. It is also undisputed that PO Sharabi instructed § 87(2)(b) to move his box truck so that emergency vehicles could pass, and that § 87(2)(b) did not immediately do this. § 87(2)(g)

In his initial call to 911 (**BR 03**), § 87(2)(b) reported that he was unable to move his box truck when instructed by PO Sharabi to do so because there was a car obstructing the road in front of him. § 87(2)(b) alleged that PO Sharabi was not justified in issuing him two summonses because it was not his fault that he was unable to move his truck. § 87(2)(b) made no allegations of offensive language in this call.

In his initial call to the CCRB (**BR 04**), § 87(2)(b) stated that a woman had stopped her car in front of his truck and was unloading a child from the back seat when he saw a police car behind him with its lights and sirens on. § 87(2)(b) was not able to move his truck forward because the car in front of him was blocking the road. § 87(2)(b) got out of his truck and approached PO Sharabi and his partner, PO Thomas Campuzano, also of the 77th Precinct, who were sitting in their car, so he could explain to them why he could not move his truck. PO Sharabi became angry, asked for § 87(2)(b)'s ID, and told him, “You niggers blocking the way. I have an emergency.” § 87(2)(b) asked PO Sharabi to repeat what he said, but PO Sharabi did not reply and went into 1933 Union Street. Approximately 15 minutes later, PO Sharabi exited 1933 Union Street and told § 87(2)(b) that he was going to give him two summonses.

§ 87(2)(b)'s second call to the CCRB (**BR 05**) was generally consistent with his first with the following exception noted, § 87(2)(b) stated that PO Sharabi told him, “Move the vehicle, nigger.”

§ 87(2)(b)'s in-person statement (**BR 06**) was generally consistent with his first calls with the following exceptions noted, § 87(2)(b) stated that he saw a marked police car with its lights on behind him and heard the siren and a voice over the loudspeaker instructing him, “Move the truck. Move the Truck.” § 87(2)(b) was unable to move his truck for approximately five minutes because there was a car in front of him, but he did not make any motions or say anything to the police car behind him to indicate this.

When the car in front of him moved, § 87(2)(b) drove forward and pulled over slightly to the left so that traffic could get by. PO Sharabi, who was still in his car, yelled out to § 87(2)(b) that he needed to move his truck and that he could not park there. § 87(2)(b) did not move his truck because he needed to make his delivery, so he decided to exit the truck and approach PO Sharabi so he could explain the situation. PO Sharabi also exited his vehicle, and they met by the back of § 87(2)(b)'s truck. PO Campuzano stayed inside of the car. PO Sharabi immediately started yelling at § 87(2)(b) in a very loud tone of voice, "Why didn't you move the truck? Why Didn't you move the truck?" PO Sharabi then very quickly and quietly said, "nigger." § 87(2)(b) asked PO Sharabi to repeat what he said, but instead of answering, PO Sharabi asked § 87(2)(b) for his license.

§ 87(2)(b) gave PO Sharabi his license, and PO Sharabi then asked for his registration. § 87(2)(b)'s registration was in his truck and, before he had a chance to get it, PO Sharabi went into 1933 Union Street holding § 87(2)(b) ID. PO Sharabi and PO Campuzano were inside for approximately 20 minutes before coming back outside, at which point PO Sharabi gave § 87(2)(b) a summons for failing to yield to an emergency vehicle (**BR 01**) and failure to provide a registration (**BR 02**).

§ 87(2)(b) also provided a written statement (**BR 07**) at the time of his interview, which was generally consistent with his other statements with the following exception noted. § 87(2)(b) alleged that PO Sharabi came out of the police car screaming "move the vehicle, nigger," but that he said "nigger" softly.

PO Sharabi (**BR 08**) stated he had received a radio call for a possibly poisoned child at 1933 Union Street. As soon as PO Sharabi and PO Campuzano turned onto Union Street, PO Sharabi saw a large box truck directly in front of him blocking all traffic from passing. PO Sharabi turned on his lights and sirens because he needed the street to be clear for the ambulance which would be responding momentarily. The box truck moved forward very slowly then pulled over slightly to the left and came to a stop in front of 1920 Union Street, which was approximately 30 to 40 feet before 1933 Union Street. All traffic was still blocked from passing by the box truck.

PO Sharabi stopped his car directly behind the box truck and approached the box truck's front driver side door. As he did so, he saw that there was a car stopped in front of the box truck. PO Sharabi verbally told the driver of this car to move, which he did. § 87(2)(b) then got out of the box truck and approached PO Sharabi by the back of the box truck. PO Sharabi was not sure if PO Campuzano was with him or still in the police car.

PO Sharabi explained to § 87(2)(b) that he needed to move the truck because there was an emergency in a building further down the block and that the road needed to be cleared for emergency vehicles. § 87(2)(b) told PO Sharabi that he had deliveries to make and that he would not move the box truck. PO Sharabi continued to ask § 87(2)(b) at least five times to move his box truck because there was a sick child that needed medical attention, but § 87(2)(b) refused. PO Sharabi then asked § 87(2)(b) for his license, registration, and insurance. § 87(2)(b) gave PO Sharabi his license but did not provide his registration. PO § 87(2)(b) asked § 87(2)(b) at least two to three more times for his registration, and § 87(2)(b) replied, "I will not give you the registration."

PO Sharabi decided to give § 87(2)(b) summonses for refusing to move his vehicle and for refusing to provide his registration, and told this to § 87(2)(b) adding that before he could issue the summonses, he had to deal with the sick child. PO Sharabi and PO Campuzano then both ran down the street to 1933 Union Street to assess the situation because the urgency of the

situation demanded their immediate attention and PO Sharabi did not have time to write the summonses at that moment.

After approximately 20 minutes, PO Sharabi exited the building with EMTs and the sick child and escorted them to the ambulance, which had been forced to park behind the marked police car because § 87(2)(b)'s box truck was still blocking the street. PO Sharabi got into his car to write the two summonses, and, at that time, saw § 87(2)(b) get into his truck and drive forward into a recently opened parking spot on the right side of the street. Only then was the street open to traffic. PO Sharabi exited his car, gave the two summonses to § 87(2)(b) and explained to him that he could dispute the summonses in court.

PO Sharabi denied ever saying, "You niggas blocking the way," Move the vehicle, nigger," or "Why didn't you move the truck, nigger." PO Sharabi denied ever saying the word, "nigger," in any way while he was interacting with § 87(2)(b).

PO Campuzano's statement (**BR 09**) was consistent with PO Sharabi's with the following exceptions noted. PO Campuzano stated that he remained in the car while PO Sharabi first interacted with § 87(2)(b). PO Campuzano denied ever hearing PO Sharabi say, "You niggas blocking the way," Move the vehicle, nigger," or "Why didn't you move the truck, nigger." PO Campuzano denied ever hearing PO Sharabi say the word, "nigger," in any way while interacting with § 87(2)(b).

Patrol Guide Procedure 203-10 (**BR 10**) states that it is prohibited for an officer to use discourteous or disrespectful marks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.

§ 87(2)(g)

Civilian and Officer CCRB Histories

§ 87(2)(b)

- PO Sharabi has been a member of service for three years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 7, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 12**).

§ 87(2)(b) § 87(2)(c)

[REDACTED]

Squad No.: 10

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date